

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 11297 of 2004

Between:

Sri Chada Anantaram Prasad S/o. Sri Pedda Venkata Rao
thondangi Vill & Mandal, E.G. District.

..... PETITIONER

AND

1 The State of A.P., rep. by the Supt., Engineer, Irrigation
Circle, Dhavaleswaram, E.G.District and four others.

.. RESPONDENTS

ORDER:

This Writ Petition is filed seeking a declaration that the action of the respondents in proceeding with the construction of Flood-flow Canal and sluice at the extreme end of Earthen Bund from Pampa Reservoir as illegal and arbitrary, opposed to the principles of natural justice and also contrary to the provisions of Andhra Pradesh Irrigation (Construction, Maintenance of Water Course) Act, 1965 (for brevity 'Act, 1965') and violative of Articles 14 and 21 of the Constitution of India.

2. The petitioner claims to be one of the Ayacutdars of Pampa Reservoir. The

writ petition was filed in the month of July, 2004 and though the petitioners sought for a direction restraining the respondents from proceeding with the construction of Flood-flow Canal and the sluice in question, no such interim directions were granted.

3. Now, when the matter is taken up for consideration, it is brought to my notice by the learned Government Pleader for Irrigation, appearing for the respondents, that the construction of Flood-Flow Canal has already been completed. The said fact has not been disputed by the learned counsel for the petitioner.

4. It is relevant to note that in the counter affidavit filed by the 2nd respondent- Executive Engineer, Eluru Irrigation Division, Peddapuram, it is stated as under:

“ In view of the difficulties of the riots of 11 villages in Tuni Mandal, and keeping in view of the 0.20 TMC of surplus water in Pampa Reservoir, excavation of Flood Flow Canal is taken up to feed 55 minor Irrigation tanks enroute the villages of Arempudi, Gavarapeta, Thetagunta, Thimmapuram, Venkatapuram, H.Kothuru, Hamsavaram, Chamavaram, S.Annaaram, Valluru and Agraharam, and also to stabilize an ayacut of about 3838 Acres under the system. It is proposed only to supply floodwater for 45 days during August to November in rainy season.”

“It is submitted that the respondents proposed for taking up of the work “Flood Flow Canal” with a view to providing water supply to an ayacut of 3838 Acres and also to feed 55 Minor Irrigation tanks, in about 11 villages which are arid, as per their representation, keeping in view that there will not be any disruption of water supply to the original ayacut of 12,005 Acres since the Pampa Reservoir will be supplemented by the water supplied by the Yeleru river through YLMC and Pushkara yethipothala, and due to the modernization of pampa main canal and its distributaries under SIFT programme, there may not be any problem to the ayacutdars. It is further submitted that the original ayacutdars of Pampa Reservoir will not be put to loss/inconvenience, as per the procedure laid in Section of A.P.Irrigation Construction, Maintenance of water Courses Act, 1965.”

5. Having regard to the averments in the counter-affidavit, stating that no inconvenience will be caused to the ayacutdars of Pampa Reservoir and they will not be put to any loss since they are following the procedure as laid down under the Act, 1965, I am of the view that it is not necessary for this court to

adjudicate on merits but it would be suffice to dispose of the writ petition by recording the statement of the respondents in their counter-affidavit.

6. The Writ Petition is accordingly disposed of recording the statement of the respondents. No costs.

September 6, 2005

Kvr